

## REMARKS

Claims 1–72 are pending. Claims 42-53 and 70 have been withdrawn. Claims 73 and 74 have been added. Support for Claims 73 and 74 is found throughout the specification. Claims 13, 16, 20, 28, 29, 41, 54, 55, 68, and 72 have been amended.

### Amended Sequence Listing and Statement of Verification

An amended sequence listing is enclosed herewith. The amended sequence listing corrects typographical errors present in the originally submitted sequence listing. The amended sequence listing is submitted in text (.txt) and PDF (.pdf) formats. The text and PDF versions of the sequence listing are the same and do not contain new matter. Entry of the amended sequence listing into the application is requested.

### Restriction Requirement

In the Office Action, the Examiner asserts that the application includes the following four inventions:

Group I. Claims 1–41, 56-69, and 71–72, drawn to the technical feature of a polypeptide that comprises helper epitope, CTL epitope and B cell epitope of HBV;

Group II. Claims 42–53, drawn to the technical feature of a method of preparing the immunogen of Claim 1;

Group III. Claims 54 and 55, drawn to the technical feature of a method of manufacturing a vaccine comprising the immunogen of Claim 1; and

Group IV. Claim 70, drawn to the technical feature of a method for preparing a vaccine for treating HBV comprising using a double emulsifying method to prepare the liposome.

Applicants elect, without traverse, the invention of Group I, Claims 1-41, 56-69, 71, and 72, for prosecution on the merits. Furthermore, applicants respectfully submit that currently

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

amended Claims 54 and 55 and newly added Claims 73 and 74 are drawn to the technical feature of the invention of Group I and are properly examined in this application. Claims 42–53 and 70 are withdrawn as directed to non-elected inventions. Applicants reserve the right to rejoinder of Claims 42-53 and 70 pursuant to M.P.E.P. § 821.04 *et seq.*

#### Election of Species Requirement

In the Office Action, the Examiner asserts that the application contains claims directed to more than one patentably distinct species. The Examiner requires election under 35 U.S.C. § 121 of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Specifically, the Examiner states that if the invention of Groups I, II, or III is elected, applicants are required to make the following elections.

1. One specific polypeptide comprising sequence 1, 2, and 3 by SEQ ID NO(s). Applicants are also required to indicate the following structural features of the elected polypeptide:

- (a) Reference sequence to which the sequences 1, 2, and 3 correspond; and
- (b) Linking peptide sequence.

2. One or one specific base combination of modifying groups from Claims 7–15 if the elected polypeptide is modified;

3. One specific vaccine formulation from Claim 59; and

4. One specific dosage with specific molar ratio, if it applies, from Claims 60–69, 71, and 72.

In response, applicants elect a polypeptide characterized in that amino acid sequence 1 is QYIKANSKFIGITE (SEQ ID NO:6), amino acid sequence 2 is FLPSDFFPSV (SEQ ID NO:23), and amino acid sequence 3 is DPRVRGLYFPA (SEQ ID NO:48). The elected linking peptide

between amino acid sequence 1 and amino acid sequence 2 is AAA. The elected linking peptide between amino acid sequence 2 and amino acid sequence 3 is GGG.

The elected modifying group from Claims 7–15 is  $\text{CH}_3(\text{CH}_2)_{14}\text{CO}$ —.

The elected vaccine formulation from Claim 59 is an injection formulation.

The elected dosage with specific molar ratio from Claims 60–69, 71, and 72 is a lyophilized liposome dosage form comprising an immunogen according to Claim 1, phospholipids, cholesterol, palmitic acid, vitamin E, mannitol, human albumin,  $\text{KH}_2\text{PO}_4$  and  $\text{Na}_2\text{PO}_4$  in a molar ratio of 0.05 : 10 : 5 : 1 : 0.8 : 100 : 0.2 : 5 : 5.

Applicants believe that Claims 1-16, 23, 54-60, 62-65, 69, and 71-74 read on the elected species and are properly examined in this application.

#### CONCLUSION

Applicants believe that Claims 1–41, 54–69, and 71–74 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



George E. Renzoni, Ph.D.  
Registration No. 37,919  
Direct Dial No. 206.695.1755

GER:md

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100